

Patent  
Attorney's Docket No. 033172-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )

Elisabeth Wolpert et al. )

Application No.: 09/319,736 )

Filed: August 2, 1999 )

For: THERAPEUTIC APPLICATIONS OF )  
ANTIGENS OR EPITOPES )  
ASSOCIATED WITH IMPAIRED )  
CELLULAR PEPTIDE )  
PROCESSING, E.G. EXPRESSED )  
ON RMA-S CELLS TRANSFECTED )  
WITH A B7-1 GENE )

Group Art Unit: 1635

Examiner: KAREN A  
LACOURCIERE

Confirmation No.: 3510

DEC 3 - 2004  
TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 2, 2004, requiring restriction under 35 USC 121, Applicants hereby elect, albeit with traverse, the claims of Group X, claims 157, 160, and 161.

According to MPEP 803, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that examination of all of the claims of record on the merits in this application can be made without serious burden; accordingly, withdrawal of the restriction requirement, and examination of all of the claims of record in this application is respectfully requested.

At a minimum, Applicants respectfully request reconsideration of the Restriction Requirement as it applies to the claims of Groups V-X. As noted above,

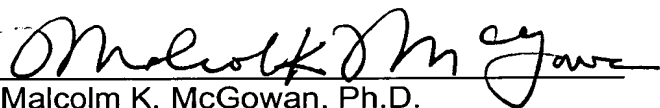
the Examiner has divided the pending claims in the present application into eleven groups. The claims of elected Group X, claims 157, 160, and 161, are directed to cells identified by the process of claims 148 or 155. A complete search for the claims of Group X will thus, of necessity, overlap with the search required for claims 148 and 155. Claim 148 is the base claim in Groups V, VI, VII, and VIII, while claim 155 is part of Group IX. Accordingly, a complete search for the claims of Group X will necessarily overlap with that required for Groups V-IX. As a result, it would not pose an undue burden on the Examiner to examine the claims of Groups V-X on the merits in this application. Accordingly, withdrawal of the restriction requirement at least as it relates to Groups V-X is respectfully requested.

In the event that there are any questions concerning this Response, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 30, 2004

By:   
Malcolm K. McGowan, Ph.D.  
Registration No. 39,300

P.O. Box 1404  
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(703) 836-6620



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Elisabeth Wolpert et al.

Application No.: 09/319,736

Filing Date: August 2, 1999

Title: THERAPEUTIC APPLICATIONS OF ANTIGENS OR EPITOPES ASSOCIATED WITH IMPAIRED CELLULAR PEPTIDE PROCESSING, E.G. EXPRESSED ON RMA-S CELLS TRANSFECTED WITH A B7-1 GENE

Group Art Unit: 1635

Examiner: KAREN A LACOURCIERE

Confirmation No.: 3510

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
on \_\_\_\_\_,  
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

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- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	20	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 5 =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

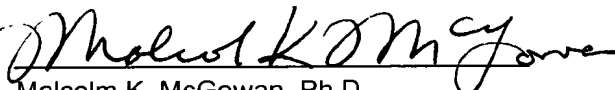
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: Nov. 30, 2004

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